

Appl. No. 10/038,341
Amtd. Dated October 5, 2005
Reply to Office action of July 12, 2005

REMARKS/ARGUMENTS

Claims 1-35 are pending in the present application.

This Amendment is in response to the Office Action mailed July 12, 2005. In the Office Action, the Examiner objected to specification; rejected claims 1-35 under 35 U.S.C. §102(e). Applicant has amended claims 1, 5, 7-9, 11, 15, 17-19, 21, 25, 27-29, 31, and 34.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Specification

1. The Examiner objected to the specification because a brief summary is missing. The Office Action requested that Applicant adds a "Summary of the Invention" description to the application. However, Applicant would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicant were to elect to include one.

In particular, 37 C.F.R. §1.73 only states that "[a] brief summary of the invention ... should precede the detailed description." 37 CFR §1.73 does not state "must" or "shall." Accordingly, Applicant has elected not to include a "Summary of the Invention" as this is within the discretion of Applicants.

Rejection Under 35 U.S.C. § 102

2. In the Office Action, the Examiner rejected claims 1-35 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2002/0143855 issued to Traversat et al. ("Traversat") which claims priority from Provisional Application No. 60/263,573 filed on January 22, 2001. Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a *prima facie* case of anticipation.

Traversat discloses relay peers for extending peer availability in a peer-to-peer networking environment. Relay peers relay messages between peers that cannot communicate directly (Traversat, paragraph [0401]). The peer inside the firewall may contact the relay peer to retrieve messages received at the relay peer on behalf of the peer (Traversat, paragraph [0402]). The relay peer may keep information about routes that it discovers and store them in the route

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table. This allows the relay peer to build a knowledge base about the network topology
(Traversat, paragraph [0408])

Traversat does not disclose, either expressly or inherently, (1) a collector to collect a message intended for an internal peer inside a firewall via a gateway device at the firewall, (2) the internal peer being registered for an external communication across the firewall, and (3) a distributor to distribute the message to the registered internal peer if there is a match in address information of the message and the registered internal peer.

Traversat merely discloses that any peer in a peer group may become a relay peer (Traversat, paragraph [0408]). A peer is not the same as a collector. Furthermore, Traversat does not disclose the intended internal peer registering for an external communication across the firewall. In addition, Traversat does not disclose a distributor to distribute the message to the registered internal peer if there is a match in address information of the message and the registered internal peer. Traversat merely discloses the peer inside the firewall contacting the relay peer to retrieve messages, not a distributor distributing the message if there is an address match. Claims 1, 11, 21, and 31 have been amended to clarify this aspect of the invention.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

Therefore, Applicant believes that independent claims 1, 11, 21, and 31 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §102(e) be withdrawn.

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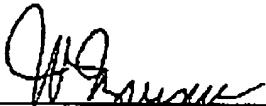
Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Dated: October 5, 2005

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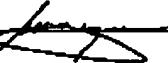
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